

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DERRICK DUPAR, JR.,

Plaintiff,

v.

TROY A. PINGEL, JOSEPH D. BEAHM,
NICHOLAS J. WODAK, JESSE J.
JONES, JOHN W. BIRDYSHAW,
CATHY L. BARKHURST, TYLOR J.
RODENKIRCH, JASON A.
ROSENTHAL, and KYLE K. TRITT,

Defendants.

Case No. 21-CV-1058-JPS

ORDER

Plaintiff Derrick Dupar, Jr., an inmate confined at Green Bay Correctional Institution, filed a pro se complaint under 42 U.S.C. § 1983 alleging that the defendants violated his constitutional rights. ECF No. 1. On August 12, 2022, Defendants filed a motion for partial summary judgment based on the failure to exhaust administrative remedies. ECF No. 18. On November, 7, 2022, the Court ordered Plaintiff to file a response to the pending motion. ECF No. 27. On December 21, 2022, Plaintiff filed a motion to stay the proceedings to take discovery, ECF No. 29, and a motion for an extension of time, ECF No. 30.

Plaintiff seeks to stay the case for ninety days in order to conduct discovery on the exhaustion issue. The Court will deny Plaintiff's motion for a stay and grant a limited extension of time. Defendants' motion has been pending for months and Plaintiff's deadline to respond has long passed. The issue of exhaustion is relatively simple compared to most issues presented to a pro se party; Plaintiff either exhausted his administrative

remedies or he did not. If there is a factual dispute regarding exhaustion, Plaintiff should explain that position in his response brief. The Court will allow Plaintiff to file a response brief on or before **January 30, 2023; no further extensions will be granted.**

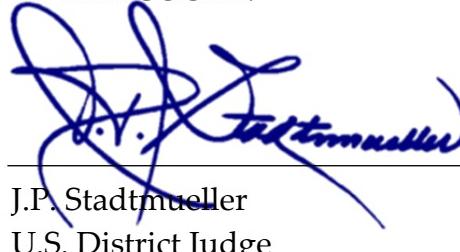
Accordingly,

IT IS ORDERED that Plaintiff's motion to stay case, ECF No. 29, be and the same is hereby **DENIED**; and

IT IS FURTHER ORDERED that Plaintiff's motion for an extension of time, ECF No. 30, be and the same is hereby GRANTED; Plaintiff shall file a response to Defendants' motion for partial summary judgment on or before **January 30, 2023**; if Plaintiff fails to file a response, the Court will decide the motion for partial summary judgment without any response.

Dated at Milwaukee, Wisconsin, this 22nd day of December, 2022.

BY THE COURT:



J.P. Stadtmauer
U.S. District Judge

A handwritten signature in blue ink, appearing to read "J.P. Stadtmauer", is written over a horizontal line. Below the signature, the name "J.P. Stadtmauer" is printed in black text, followed by "U.S. District Judge" in smaller black text.